

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

BETTY GRAHAM  
Plaintiff, Pro Se

v.

LIBERTY MUTUAL INSURANCE )  
COMPANY; )  
SCOTT DAVIS, et al., )  
Defendants )

FILED  
Civil Action No. 1:08-cv-299  
DEC 31 4 30 PM  
U.S. DISTRICT COURT  
EASTERN DIST. TENN.  
CLERK

PLAINTIFF'S ORIGINAL COMPLAINT

Comes now Betty Graham, Pro Se, Plaintiff and sues Defendants and shows the Court as follows:

I. Jurisdiction

1. The jurisdiction of this Court is invoked by Plaintiff to secure redress for deprivation of rights granted by the Tennessee Constitution and the Common Laws of the State of Tennessee. This Court has diversity jurisdiction pursuant to Title 28 of the United States Code Section 1332 (a)(1), where the principle defendant is a corporation and resident of another state and the amount in controversy exceeds \$75,000.00. This Court has pendant jurisdiction to resolve questions of Tennessee state and common law.

II. Nature of the Proceedings

This is a proceeding 1) for a declaration that the Defendants' actions were negligent and done in the absence of a reasonable basis for denying the claim, and (2) that the defendant knew or had reason to know that its denial was without a reasonable basis; 3) these actions caused Plaintiff's deprivation of property without due process or just compensation under the Tennessee Constitution; 4) for wrongfully breaching their third party contractual obligation without procedural due process protected by the Tennessee Constitution; 5) for injunctive relief to ensure that Defendant is ordered to fulfill its legal obligations relative future medical treatments; and 6) for negligent infliction of emotional distress; and 7) intentional infliction of emotional distress.

Plaintiff herein seeks compensatory damages; prejudgment interest and costs of suit; punitive damages and for such other additional damages as may be necessary to effectuate the purpose of the laws of the State of Tennessee and the Constitution thereof.

III. The Parties

2. Plaintiff, Betty Graham is a resident of the State of Tennessee and a property owner in the City of Chattanooga, Hamilton County, Tennessee.
3. Defendant, Liberty Mutual Insurance Company is a for profit corporation doing business in the State of Tennessee and has employed legal counsel, in the City of Chattanooga. Defendant's operations subjects Defendant to the provision of the Tennessee Constitution and the Common Laws of the State of Tennessee. Defendant is located in Charlotte North Carolina and may be served through the office of the Attorney General of the State of North Carolina.
4. Defendant, Scott Davis, is an agent of Defendant Liberty Mutual Insurance Company who is located at 6000 S.W. Chattanooga, Tennessee 37402 and may be served at that address.

#### Factual Basis of Claim

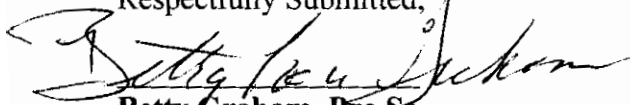
1. Plaintiff was involved in a automobile accident during the course and scope of her employment with Sequatchie Valley Emergency Medical Services, Inc., Marion County Ambulance Service; and
2. That her employer was insured by Defendant, Liberty Mutual Insurance Company; and
3. The injuries flowing from this motor vehicle accident on August 9, 1991 is subject to the Tennessee Worker's Compensation law.
4. Based on the medical testimony the Circuit Court of Marion County Tennessee, Case No. 10116, found that the Plaintiff suffered a back injury and has had psychological treatment for major depression and post traumatic stress disorder following the automobile accident and
5. That this work related accident was a precipitating factor which caused her to develop a serious and permanent disability and psychological condition. And
6. As a result the Court, on August 6, 1999, ordered payment of medical bills for her physical and stress related treatment and future medical and stress related treatments and further ordered that any dispute concerning reasonable treatment(s) could be brought before the Court for resolution (See attached Court Order), and

7. That Defendants, Liberty Mutual, and its agents, Scott Davis, were legally obligated to abide by the order(s) of the Court; and
8. That on or about December 6, 2006 the Defendant, Liberty Mutual, wrongfully cut off Plaintiff's prescription medication payments causing Plaintiff to receive hospitalization and severe emotional distress; and
9. Plaintiff alleges herein (1) the absence of a reasonable basis for denying the claim, and (2) that the defendant knew or had reason to know that its denial was without a reasonable basis.

WHEREFORE, Plaintiff respectfully pray as follows:

- a. That the Court issue and serve process on Defendants and require defendants to answer within the time prescribed by law;
- b. That upon hearing of this cause Plaintiff be awarded judgment for damages from the date of Defendants wrongful conduct;
- c. That the Court issue an injunction requiring Defendant to fulfill its obligation to provide reasonable future medical treatment as ordered by the Court;
- d. That the Court order damages in the amount of \$ 3, 000,000;
- e. That the Court order punitive damages in the amount of \$10, 000, 000
- f. That Plaintiff be awarded costs of this action and such other and further relief as the Court deems proper.

Respectfully Submitted,



**Betty Graham, Pro Se**  
**POBOX 244**  
**303 W. 7<sup>TH</sup> ST**  
**JASPER, TENN. 37347**  
**(324)942-9210**

Dec 31 08

**CERTIFICATE OF SERVICE**

**FILED**

I hereby certify that a true and exact copy of the foregoing Brief of Appellant has been served upon counsel for Appellee by U.S. Mail, postage prepaid, addressed to:

On this the 31 day of December, 2008.

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY: DEPT. CLERK

Liberty Mutual Ins. Inc.

BY:

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Appellant/Plaintiff  
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